

REMARKS

The applicants appreciate the Examiner's thorough examination of the Application and request reexamination and reconsideration of the Application in view of the following remarks.

The Examiner rejects claims 8-9, 17-18 and 24-25 under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter the applicants regard as the invention. The applicants have amended independent claims 1, 12 and 19 to provide the proper antecedent basis for "the medium". Accordingly, the applicants submit that the §112 rejection has been overcome.

The Examiner rejects claims 1, 4, 6-9, 12-15, 17-20 and 22-25 under 35 USC §103(a) as being unpatentable over U.S. Patent No. 6,692,694 to *Curry et al.* in view of U.S. Patent No. 6,391,259 to *Malkin et al.* or U.S. Patent No. 6,199,557 to *Laughlin*.

Curry is directed to a method of deactivating chemical contaminants and biological agents from a target surface by aerosol spraying the target surface with an electrostatically charged, photosensitizer solution, and then illuminating the surface with ultraviolet light. *Curry* discloses that after the photosensitizer is applied to a target, the photosensitized target is illuminated with ultraviolet light to cause photochemical destruction or deactivation of the contaminants. See column 3, lines 15-19; column 4, lines 41-44; and column 7, lines 19-23 of *Curry*. It is clear from the disclosure of *Curry* that the photosensitizer mixture contained in reservoir 702 of *Curry* is not a decontamination reagent, the photosensitizer mixture merely renders the contaminants susceptible to UV light. The UV light effects decontamination of the contaminants. As such, it is clear that the system of *Curry* fails to include a decontamination reagent as

claimed by the applicants, which is converted into an aerosol fog and electrostatically charged for application to a medium to be neutralized.

As *Curry* fails to disclose a decontamination reagent as claimed by the applicants, the applicants submit that the claims of the subject application are patentable over *Curry* in combination with either *Malkin* or *Laughlin*.

The Examiner rejects claims 1, 4, 6, 9, 12-15, 18-20, 22 and 25 under 35 USC §102(e) as being anticipated by U.S. Patent No. 6,199,557 to *Laughlin*, and claims 7-8, 17, and 23-24 under 35 USC §103(a) as being unpatentable over *Laughlin*.

The applicants claim an electrostatic charging circuit for inducing an electrostatic charge on the aerosol fog of the decontamination reagent to attract the aerosol particles to all the surfaces to be neutralized. This provides more effective distribution of the decontamination reagent and requires less reagent. See the applicants' specification, pg. 3, lines 18-20. Coverage in a building with complex surfaces, cracks, and crevices is enhanced. The specification, pg. 3, lines 21-23. See also, pg. 4, line 20 - pg. 5, line 3; pg. 9, lines 8-18; and pg. 10, lines 8-20.

In other words, the electrostatic charging circuit claimed is provided to make sure the decontamination agent goes *everywhere* and sticks to *everything* for more effective and efficient decontamination.

Laughlin relates to a tanning compound applied to a person's skin. The only "reference" to a decontamination agent is the words "decontamination agent" at column 5, line 30 and column 2, line 67. There is no disclosure in *Laughlin* concerning the type or types of decontamination compound. But, the structure of *Laughlin's* system for distributing the tanning compound would have to be exactly the same as the structure of

the system for distributing a decontaminating agent. In both cases, *Laughlin* seeks to *contain* the spray of the tanning solution, not spray it everywhere so it sticks to everything. See *Laughlin*, column 9, lines 32-55. In one embodiment, containment is provided for in *Laughlin* by the addition of top and bottom panels 16 and 17. See Figs. 3 and 14-15 of *Laughlin*.

If terrorists contaminate a military barracks, no panels could be added to the decontamination process; nor would that be desirable. The panels would block the decontamination agent from effectively and efficiently being dispersed everywhere within the barracks.

Laughlin also discusses the use of an exhaust fan 18, Fig. 4. See column 9, lines 56 – column 10, line 32. The exhaust fan *removes* residual tanning spray out of the booth. Again, this is the opposite of the applicants' claimed invention which seeks to spray the decontamination agent everywhere in the barracks so that none is wasted by being drawn out of the barracks. See also *Laughlin*'s use of drain pump 74 at column 12, lines 30-38.

Finally, decontamination solutions are not typically applied to a person's skin because most decontamination solutions are harmful to skin.

With regard to electrostatically charging the particles *Laughlin* states that: "Alternatively, spray *containment* can be obtained using electrostatic forces where the atomized spray is charged and the *residual* charge spray is removed by activating charged *collection plates*. Of course, precautions must be taken so that the person being sprayed and the operator are isolated from the charged plates." *Laughlin*, column 9, lines 39-44 (emphasis added).


Again, *Laughlin* is teaching that excess tanning solution is to be collected and contained by the addition of charged collection plates so the tanning solution does not stain anything in the immediate area. See *Laughlin*, column 9, lines 48-49.

This is the exact opposite of the applicants' claimed system in which it is desired, and in fact engineered, such that the decontamination agent goes *everywhere* in the barracks.

Accordingly, as *Laughlin* fails to disclose, teach or suggest inducing an electrostatic charge on the aerosol particles for *attracting them to a medium to be neutralized*, the claims of the subject application are patentable over *Laughlin*.

If for any reason this Response is found to be incomplete, or if at any time it appears that a telephone conference with counsel would help advance prosecution, please telephone the undersigned or his associates, collect in Waltham, Massachusetts, at (781) 890-5678.

Respectfully submitted,



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